

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.14152 of 2007

Dated:10.07.2007

Between:

Chodadasi Rambabu, S/o.Paparao.

...Petitioner

and

The District Collector, Krishna,
Machilipatnam, Krishna District,
And others.

...Respondents

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ORDER:

The petitioner unsuccessfully contested the election to the Office of Sarpanch of Kanchadan Gram Panchayat of Bantumilli Mandal in Krishna District. He filed E.P.No.2 of 2006 under Section 233 of the Andhra Pradesh Panchayat Raj Act, 1994 (for short 'the Act'), questioning the election of respondent No.5, namely, Piligala Nagesh, as Sarpanch of the Village, *inter alia*, on the ground that he incurred disqualification under Section 19(3) of the Act. E.P.No.2 of 2006 was filed on 25.08.2006. The same was taken on file, and the Court of the Junior Civil Judge – cum – Election Tribunal, Bantumilli, Krishna District, ordered notice to the respondents. The matter is coming up for counters of respondents. Alleging that elected candidate is trying to postpone the election petition so as to render it infructuous and that the Court of the Junior Civil Judge unwarrantly became party to such procrastinate tactics of the elected candidate, the present Writ Petition is filed seeking a direction to the Election Tribunal to dispose of the matter expeditiously.

Learned Counsel for the petitioner placed reliance on Sections 86 and 87 of the Representation of the People Act, 1951, as well as the decision of the Supreme Court in **Kailash v. Nanhku and others** ^[1] in support of the contention that Election Petition should be disposed of expeditiously within a period of six months.

After perusing the two provisions and the case law cited by the petitioner, this Court is not able to accept that in exercise of powers conferred under Article 226 of the Constitution of India, in an Election

Petition, this Court can direct the Election Tribunal to dispose of the matter. The petitioner filed Election Petition in August 2006, and the delay, if any, cannot be termed as extraordinary delay. The petitioner's remedy is to approach the Election Tribunal and press for expeditious disposal by filing appropriate application under the Andhra Pradesh Civil Rules of Practice and Circular Orders. In this Writ Petition no direction can be given.

The Writ Petition is accordingly dismissed. No costs.

(V.V.S.RAO, J)

10.07.2007

VS

[\[1\]](#) AIR 2005 SC 2441